

From: Paul Levitt
To: Microsoft ATR
Date: 1/24/02 12:28pm
Subject: Microsoft Settlement

Dear Sir or Madam,

I am writing to register my opposition to the proposed antitrust settlement between Microsoft and the Department of Justice. I believe that, rather than providing a remedy for Microsoft's illegal conduct, will enable them to continue that conduct and exacerbate its impact on computer users, software developers and a wide variety of other businesses.

Others, with more specific technical and legal expertise than I possess, have detailed the many shortcomings of the settlement, so I will confine my remarks to a top level, user oriented view.

Microsoft, as the "findings of fact" make clear, after obtaining a monopoly on computer operating systems, used that monopoly power to obtain an effective monopoly on the application software used for the vast majority of business functions. These two monopolies are used to re-enforce each other: the OS monopoly enables Microsoft to maintain barriers to entry for developers of competing office applications, and their applications monopoly prevents vendors of competing operating systems from establishing a significant presence in most businesses. The most well documented examples of this are Microsoft's refusal to develop a Linux version of its Office product, and its threat to end development of the Macintosh version of Microsoft Office.

Since the ability to support Office has become a mandatory requirement for the majority of businesses and government agencies (most U.S. government proposals require submittal in Microsoft-proprietary formats), the threat to drop Office gives Microsoft the power to determine whether a competitor survives. It has been widely reported that this threat has been a major factor in Apple Computer's reluctance to port its operating system to the Intel processor architecture, which would make it a viable competitor to Windows.

Microsoft has also been shown to use these paired monopolies to attack standards based, openly available, cross-platform applications, file formats and programming languages, such as Quicktime, Java and MP3, replacing them with proprietary equivalents.

The end result of these illegal practices has been to restrict the choice available to consumers and to stifle innovative technologies and concepts. Far from being an "innovator", as they claim, Microsoft has acquired most of their products by buying the company that originally developed them. Microsoft not only continues its illegal practices, but

has acted aggressively to expand them and use its monopoly power to dominate new markets. They continue to deny their guilt, even after conviction, and have mounted a fraudulent campaign of letter writing and op-ed pieces with company funds. They have even directly attacked the antitrust division of the justice department by lobbying to reduce its budget.

Given the current state of affairs, any settlement must effectively address and reverse Microsoft's dual monopolies in operating systems. It must also be enforceable and define specific, structural remedies that will enhance competition and eliminate barriers to entry in both the operating system and applications markets. Barriers to entry should be eliminated for existing companies, new companies and non-profit entities, such as the open source community.

An enforcement mechanism that provides clearly defined and meaningful penalties is essential. The mechanism must be completely independent of Microsoft influence, and must be equipped with a full array of technical and legal powers necessary to overcome Microsoft's institutional history of evading and subverting previous settlements and remedies.

In addition to the many specific features described by others who have commented (include the Massachusetts Attorney General and Ralph Nader) I believe that it is essential that several specific actions be implemented:

? Microsoft should be required to publish, in open source form, all file formats and APIs, with all supporting documentation.

? Microsoft should be required to produce versions of all its Windows applications for Linux and the Macintosh OS, with full implementation of features and equivalent performance.

? Bundling of the MS Office applications should be prohibited. The current bundling practice supports both the OS and Application monopolies - e.g. why buy a competing spreadsheet or database product when it's cheaper to buy the entire Office suite than any two components ?

Thank you for your attention in this matter,

Paul Levitt

The opinions expressed in this message are my own, and DO NOT represent the position of TRW or of the Smithsonian Institution.

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"There are good men and bad men of all nationalities, creeds and colors;
and if this world of ours is ever to become what we hope some day it may
become, it must be by the general recognition that the man's heart and
soul, the man's worth and actions, determine his standing."

Theodore Roosevelt
Letter, Oyster Bay, NY,
September 1, 1903